IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 1590 of 2005

Between:

C.S.Surendra Babu, s/o C.Satyanarayana Shetty,
APSRTC, r/o Gownipally Post, Kadiri Mandal, Anantapur District.

... PETITIONER

AND

The Depot Manager, Hindupur Depot, Hindupur, Anantapur

District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or orders or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent in imposing major penalty vide proceedings No.PA/62(275)/91-HDP dated 22-1-1992 without conducting enquiry as illegal, arbitrary, unjustified, unsustainable, contrary to law and violative of principles of natural justice and set aside the same and consequently direct the respondent to add one annual increment to the pay of the petitioner.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following:

ORDER:

Alleging that petitioner has committed cash and ticket irregularities, a chargesheet was issued to him on 09-12-1991 calling for his explanation. The writ petitioner, due to ill health, could not submit his explanation. It is the case of the petitioner that the Disciplinary Authority, without conducting any enquiry, imposed a penalty of deferment of one annual increment with cumulative effect, by its proceedings dated 22-01-1992. Questioning the same, the present writ petition is filed.

2. Learned counsel appearing for the writ petitioner contended that imposing a major penalty without conducting any enquiry is illegal and since the incident in question has taken place long back, instead of remitting the matter to the Disciplinary Authority, he prays to add one annual increment to the pay of the petitioner.

3. For certain irregularities committed by the petitioner, a chargesheet was issued to the petitioner and an explanation was called for. Without conducting any enquiry, a penalty of deferment of one annual increment, with cumulative effect, was imposed on him. There cannot be any dispute that imposing the penalty of deferment of one annual increment with cumulative effect, is a major penalty. But such a major penalty cannot be imposed without conducting any departmental enquiry. Though it is matter to be remitted back to the Disciplinary Authority for appropriate decision, as the incident in question took place long back, therefore, considering the facts and circumstances of the case, minor penalty can be imposed on the petitioner.

In the result, the writ petition is disposed of modifying the penalty passed by the Disciplinary Authority to that of deferment of one annual increment without cumulative effect. In the circumstances, no costs.

K.C. BHANU, J

February 3, 2005

MRR

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